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IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

FREDERICK JOSEPH CARTER,

Defendant and Appellant.

B293121

(Los Angeles County  
Super. Ct. No. ZM039531-01)

APPEAL from an order of the Superior Court of Los Angeles County. Roberto Longoria, Judge. Dismissed.

Gerald J. Miller, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

Appellant Frederick Joseph Carter appeals from an order extending his state hospital commitment under the Mentally Disordered Offender Act (MDOA; Penal Code, § 2960 et seq.).<sup>1</sup> Appellant was first admitted to the state hospital as a mentally-ill inmate in 2013, while serving a prison sentence for assault with a deadly weapon. He was later committed to the state hospital as a mentally disordered offender as a condition of parole under section 2962. In 2017 and 2018, the district attorney filed two petitions under section 2972 to continue appellant's commitment. The trial court later consolidated the petitions.

Following a bench trial, the court found that appellant had a severe mental disorder, could not be kept in remission if his treatment was not continued, and represented a substantial danger of physical harm to others. It therefore extended appellant's commitment by an additional year.

Appellant timely appealed. After examining the record, appointed appellate counsel filed a brief under *People v. Taylor* (2008) 160 Cal.App.4th 304 (*Taylor*) and *Conservatorship of Ben C.* (2007) 40 Cal.4th 529 (*Ben C.*), indicating he has been unable to find any arguable issues to pursue on appeal.<sup>2</sup> On April 24, 2019, we sent a letter

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

<sup>2</sup> Under *Taylor, supra*, 160 Cal.App.4th at p. 312, procedures of appellate review pursuant to *People v. Wende* (1979) 25 Cal.3d 436 do not apply to MDOA commitments. In *Ben C., supra*, 40 Cal.4th 529, our Supreme Court offered guidance for the Courts of Appeal if appointed counsel in a conservatorship appeal under (*Fn. is continued on the next page.*)

advising appellant he had 30 days to submit a brief or letter raising any contention or argument he wished this court to consider. We received no response.

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the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.) found no arguable issues: “Counsel should (1) inform the court he or she has found no arguable issues to be pursued on appeal; and (2) file a brief setting out the applicable facts and the law. Such a brief will provide an adequate basis for the court to dismiss the appeal on its own motion. Dismissal of an appeal raising no arguable issues is not inconsistent with article VI, section 14 of the California Constitution requiring that decisions determining causes ‘be in writing with reasons stated.’ Nothing is served by requiring a written opinion when the court does not actually decide any contested issues.” (*Ben C.*, *supra*, at p. 544, fns. omitted.)

**DISPOSITION**

The appeal is dismissed.

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MANELLA, P. J.

We concur:

COLLINS, J.

CURREY, J.